

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Brodka-Pfeiffer, K. et al) Art Unit: 1754
U.S. Appln. No. : 10/617,546) Examiner: To be assigned
Confirmation No. : 4289
U.S. Filing Date : July 10, 2003
Title of Invention : Process For Providing A Stable Crystalline Form Of Salbutamol
Attny. Docket No.: 1/1367

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

February 19, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

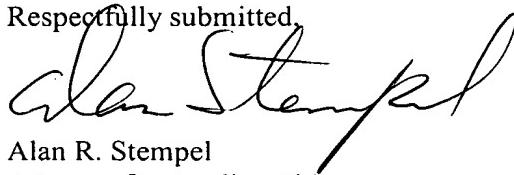
The fee set forth in 37 C.F.R. §1.17(p).

The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No.

- 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).
- 1.97(e).
- Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or
- No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.
- The fee set forth in 37 C.F.R. §1.17(p).
- The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
- 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.
- The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

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Respectfully submitted,



Alan R. Stempel
Attorney for Applicant(s)
Reg. No. 28,991

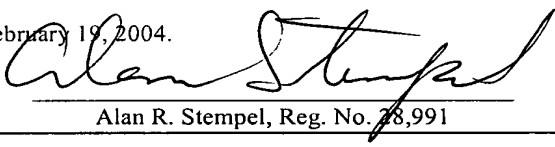
Patent Department
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900 Ridgebury Road, P.O. Box 368
Ridgefield, CT 06877
Tel: (203) 798-4868
Date: February 19, 2004

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PTO/SB/08a (08-03)

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

| <i>Complete if Known</i> | |
|---------------------------------|---------------------------|
| Application Number | 10/617,546 |
| Filing Date | July 10, 2003 |
| First Named Inventor | Brodka-Pfeiffer, K. et al |
| Art Unit | 1754 |
| Examiner Name | To be assigned |
| Attorney Docket Number | 111367 |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| | | WO 95/05805 | 03/02/1995 | Astra Aktiebolag | | |
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| Examiner Signature | | Date Considered | |
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| Substitute for form 1449B/PTO | | | | <i>Complete if Known</i> | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | <i>Application Number</i> | 10/617,546 |
| | | | | <i>Filing Date</i> | July 10, 2003 |
| | | | | <i>First Named Inventor</i> | Brodka-Pfeiffer, K. et al |
| | | | | <i>Art Unit</i> | 1754 |
| | | | | <i>Examiner Name</i> | To be assigned |
| (Use as many sheets as necessary) | | | | | |
| Sheet | 2 | of | 2 | <i>Attorney Docket Number</i> | |
| 1/1367 | | | | | |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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